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Perfectionism, paternalism and liberalism in Sen and Nussbaum's capability approach

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Abstract

The aim of the paper is to analyse the theoretical foundations of human development policies as found in Sen's and Nussbaum's capability approach to development, and to examine to what extent undertaking policies according to the capability approach respects people's freedom to pursue their own conception of the good. The paper argues that policies undertaken according to the capability approach have to be guided by a perfectionist conception of the good, that is, they cannot avoid promoting one certain conception of the human good. Such a perfectionist conception of the human good, and the policies ensuing from it, have often been qualified as paternalist, depriving the human being of choosing her own conception of the good. The paper examines to what extent those fears of paternalism that seem to underlie policies guided by a perfectionist account of the good are legitimate, and to what extent the capability approach can escape those charges of paternalism and respect each person's freedom to pursue the human good as she conceives it.

1. Introduction

Born from the successive failures of different theories of development to improve living conditions for all, a new development paradigm emerged in the 1990s, human development. Human development has been defined as 'both the process of widening people's choices and the level of their achieved well-being' (UNDP, 1990, p.9), a level of well-being that included, among others, access to income, a long healthy life, education, political freedom, guaranteed human rights, concern for the environment, concern for participation (UNDP, 1990, p. 1). The vision and purpose of human development is 'to secure the freedom, well-being and dignity of all' (UNDP, 2000, p. 1).

Even though the objective of human development policies is to enlarge the possibilities of choice in all areas,² even though human development is 'a process of enhancing human capabilities – to expand choices and opportunities so that each person can lead a life of respect and value' (UNDP, 2000, p. 2), some choices seem to be more privileged than others. For example, literacy is always promoted, gender equality is always considered as good, living in a non-polluted environment is always desirable, the absence of freedom of expression is never considered a good, the destruction of a cultural heritage or the disappearance of a minority language is never considered as desirable, and alcohol or drug consumption never seem to be things that are to be promoted. Human development policies thus seem to leave little room for the freedom of each human being to pursue her own conception of the good. If people are to be able 'to lead lives of respect and value', it seems that there exist prior choices that are independent of people's choices and values; these choices need to be promoted as the fundamental basis for a life of respect and value.

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² Human development 'enables all individuals to enlarge their human capabilities to the full and to put those capabilities to their best use in all fields – economic, social, cultural and political' (UNDP, 1994, p. 4).

The paper will be structured as follows. I will first examine the theoretical foundations of human development policies as found in Sen's capability approach to development, and will argue that, despite Sen's concern for the freedom of each individual to frame her own conception of the good (by focusing on capabilities rather than functionings and by avoiding to identify valuable capabilities that development policies ought to promote), implementing his capability approach in terms of human development policies ends up being more paternalist and perfectionist than his theory claims to be. I will then focus on Nussbaum's understanding of the capability approach as she framed it within the context of an Aristotelian social democracy. I argue that her approach is more sincere than Sen's in the sense that it offers explicitly a perfectionist theory of the good (it recognises explicitly what capabilities are valuable to promote), but runs into the same problems as Sen's approach by focusing on capabilities rather than functionings. In the last few years, Nussbaum modified her position and now assimilates the capability approach within the context of Rawlsian political liberalism. I will try to show that putting the capability approach within the framework of a Rawlsian political liberalism is inconsistent with the objective of human development (i.e., giving the adequate opportunities and incentives for each human being to live a full human life). There are three main reasons for this. First, policies based on the capability approach, even though framed within the context of political liberalism, unavoidably entails 'paternalist' policies. Second, the domain of justice cannot be held 'for political purposes only' in the Rawlsian sense of the term. Third, capabilities cannot be assimilated to rights, rather, they are to be assimilated to obligations to meet. The paper concludes by underlining the risk of confusing concern for the respect of freedom with indifference.

Before examining whether the fears of paternalism justify a non-perfectionist capability approach, a few definitions are in order.

Perfectionism is a moral theory which regards certain activities, like knowledge, health or artistic creation as good, independent of any subjectivity. Their presence makes life better, whether one desires them or not, and their absence impoverishes human life (Hurka, 1998). The foundational idea of perfectionism is that 'we should maximize human excellence' (Rawls, 1971, p. 25), a human excellence understood in terms of the properties of human life. According to perfectionist moral theories, 'certain properties constitute human nature – they make humans humans, and the good life develops these properties to a high degree or realizes what is central to human nature' (Hurka, 1993, p. 3). Perfectionism is then 'the doctrine that the good or intrinsically desirable human life is one that develops to the maximal possible extent the properties that constitute human nature' (Arneson, 1999, p.119). In a perfectionist framework, the role of the government amounts to establishing institutions (legal, economic and social) in which the properties that constitute human life will best be actualised. It amounts to 'creating and maintaining social conditions that best enable their subjects to lead valuable and worthwhile lives' (Wall, 1998, p. 8). Within those institutions guaranteeing the perfection of all, within those conditions that will enable citizens to lead worthwhile lives, 'citizens are then free to concentrate on their own good' (Hurka, 1993, p. 66). There are of course many forms of perfectionism.³ The perfectionism that I retain here is a moderate perfectionism, where a policy has sometimes to promote some forms of human excellences (De Marneffe, 1998, pp. 102-103), and has sometimes to go against what the human being considers as good.

In the history of philosophy, perfectionism has gathered a long support (for example Aristotle, Aquinas, Marx, Nietzsche, Hegel all endorsed the foundational idea of perfectionism). But nowadays, there are fears that perfectionism is hostile to the values of

³ See De Marneffe (1998) for the different forms of perfectionism.

liberty and autonomy. There are fears that, 'because perfectionism thinks that some lives are better than others, regardless of whether people want or would choose them, it favours state coercion to force people into excellence' (Hurka, 1993, p. 147). As a consequence, perfectionism has often been assimilated to *paternalism*, according to which an adult's liberty and autonomy can be restricted for the sake of his own good.

Often opposed to perfectionism, *liberalism* is characterised by a respect of the freedom of people to pursue their own conception of the good, arguing that a policy that gives incentives for people to live in a certain way, the way that most perfects human life, threatens the freedom of each human being to pursue the good she desires to pursue. The government cannot limit individual liberty by claiming that some activities are more worthy of pursuit than others. The state should remain neutral regarding what the good life is, and limit itself to 'promoting the general welfare of the citizens by providing them the resources they need in order to lead lives of their own choosing' (Kraut, 1999, p. 315). Each individual is the best judge of what is good for her, and one should not interfere with individual choices, unless her choice infringes on someone else's freedom. This is known as Mill's non-harm principle: 'The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant' (Mill, 1859, p. 223). I assimilate thus here liberalism as a form of anti-paternalism (though that assimilation is quite reductive)⁴ that asserts that the government cannot limit the freedom of adults to pursue what they consider as good.

2. *Perfectionism, paternalism and liberalism in Sen*

Sen's capability approach considers well-being in terms of functionings, that is, what people are or do, like being healthy, reading or writing, taking part in the life of the community, and more specifically in terms of capabilities, that is, what people are able to be or do, like being able to be healthy, being able to read and write (see for example Sen, 1980, 1985 a,b, 1987, 1992, 1993, 1999). A capability is 'a person's ability to do valuable acts or reach valuable states of being' it 'represents the alternative combinations of things a person is able to do or be' (Sen, 1993, p. 30), and thus refers to various alternative combinations of functionings any one of which the person chooses to have. Development, in the capability framework, amounts to expanding the basic capabilities that 'people have reason to choose and value' (Sen, 1989, 1999).

In that sense, Sen's capability approach is an objective theory of the good, since quality of life evaluation implies a substantive judgement of what makes life better (Arneson, 1999). Things or states of affairs, like being able to be healthy or being able to pursue knowledge, have intrinsic value, independently of whether they affect people's subjective preferences.⁵ Things are not good because they are desired but because they are part of an objective conception of human flourishing.

Yet, Sen deliberately avoids identifying the capabilities that are valuable to promote. Sen (1988, p. 18) asserts that his approach to development as basic capabilities expansion only 'specifies a space in which evaluation is to take place, rather than proposing one particular formula for evaluation'. He emphasises that, eventually, the choice of relevant capabilities has to be related to the underlying social concerns and values.

⁴ For more details about the link between perfectionism, paternalism and liberalism in political philosophy, see De Marneffe (1998).

⁵ Sen has repeatedly stressed that deprived and oppressed people often adapt themselves to their situations, and adjust their preferences to their deprived situations. For example, women who are oppressed will tend to express a negative preference towards education.

Sen gives a reason for not specifying what is to be counted as relevant capabilities: his concern for pluralism. First, the different functionings vary in importance and priority, and second the capability approach does not claim to contain an exhaustive evaluation of what is relevant for well-being (rules and procedures can for example be as important as freedoms and outcomes, see Sen, 1999, pp. 76-80). The capability approach thus does not pretend to contain an exhaustive evaluation of what is relevant to promote. Capabilities are not based on fundamental ‘excellences’ of human life. In that sense, Sen is a liberal, and shares with Rawls the respect of people’s freedom to choose their own conception of the good.⁶ Both acknowledge the fact that people have different ends and that this must be respected, the difference between Sen and Rawls is that Sen puts the emphasis on what primary goods do to people, since two persons with the same finality might need different amounts of primary goods (Sen, 1999, pp. 70-74).

If no content can be given to what people have reason to choose and value, if one refuses to take any position regarding the ends that are to be promoted, how then can we know which opportunities have to be given to people in order to improve their quality of life? How can we give people conditions for a better human life, without knowing what that better life consists of? Sen (1992, p. 44) acknowledges that ‘there is no escape from the problem of evaluation in selecting a class of functionings – and in the corresponding description of capabilities’. If selecting the relevant capabilities and functionings remains an unsolved problem, if no content can be given to what people have reason to value, then we may wonder how Sen’s capability approach can offer a relevant framework for evaluating whether people have really been given the opportunities to exercise the capabilities they have reason to value (Desai, 1990; Qizilbash, 1996a,b; Sugden, 1993; Srinivisan, 1994).

Despite its intention to propose a non-perfectionist and liberal approach, Sen’s capability approach becomes perfectionist when it comes to implementing policies, in the sense that some content must be given to the relevant capabilities to promote.⁷ By refraining from advancing a particular conception of the good at the theoretical level, it seems that the capability approach, at the implementation level, lands in the position of adopting a particular stance about what constitutes a good human life.

Not taking a particular stance about values (in this case, the value of what counts as a good human life) has been a well-rooted ambition of the ‘science’ of economics, an ambition left as a legacy by the logical positivists (Putnam, 2002; Walsh, 1996). Hilary Putnam (1981, 1990) has long argued that the attempt of building a value-free social science has been a failed enterprise, given the fallacy of the fact/value dichotomy— scientific statements being

⁶ Rawls’s theory of justice is based on the assumption that, in liberal democracies, ‘equal citizens have different and indeed incommensurable and irreconcilable conceptions of the good’ (Rawls, 1993, p. 303). The goal of Rawls’s political liberalism is to find a political conception of justice which people with different conceptions of the good can endorse, a political conception that will be ‘an overlapping consensus’ (Rawls, 1993, p. 134) between those different conceptions. Using the device of the ‘original position’ (Rawls, 1971, §3-4, 1993, p. 22) where people are under a veil of ignorance, that is, ‘the parties [in the original position] are not allowed to know the social position of those they represent, or the particular comprehensive doctrine of the person each represent’ (Rawls, 1993, p. 24), Rawls establishes a list of primary goods. Those goods are necessary for people to conceive and pursue whatever their conception of the good: ‘We stipulate that the parties [in the original position] evaluate the available principles [the principles of justice that will better protect the different conceptions of the good] by estimating how well they secure the primary goods essential to realize the higher-order interests [i.e. the conception of the good] of the person for whom each acts as a trustee’ (Rawls, 1993, p. 75). Those primary goods are (Rawls, 1993, p. 181): a) basic rights and liberties; b) freedom of movement, freedom of association and freedom of occupational choice against a background of diverse opportunities; c) powers and prerogatives of office and positions of responsibility in political and economic institutions of the basic structure; d) income and wealth and finally; e) the social bases of self-respect.

⁷ For a similar claim that Sen’s capability approach, though not explicitly perfectionist, points towards perfectionism, see Arneson, 2000, pp. 46-7.

‘empirically verifiable’, and value judgements being ‘unverifiable’ (Putnam, 1993, p. 143). Although those should be *distinguished*, they should not be *dichotomised*. Fact and value judgements, descriptive and evaluative concerns, remain deeply ‘entangled’ (Putnam, 2002). Yet, Sen’s capability approach explicitly stands firm in holding a heavily value-laden approach to economics where the fact/value dichotomy does not hold (Sen, 1987; Putnam 2002). As Walsh (2000, p.6) states it, the capability theory is right from the beginning ‘black with fact, white with convention and red with values.’⁸ Thus, Sen’s capability approach does not fall prey to the criticism that, on the ground of building a value free science, it hides (disputed values) behind the formalism on which the theory is built. But could the claim be made that, behind its refusal to take a stand on what the (disputed value) of the good life is, the capability approach hides unavowed positions about the good, positions that it can no longer hide when the theoretical framework becomes practice? It seems so.

Not only does the implementation of the capability approach make it perfectionist, it also makes it paternalist; it is practically impossible to respect the freedom of people to seize or not seize opportunities because to evaluate the success of development policies, one has to focus on functionings and not on capabilities. If the government aims at basic capabilities, aims at creating a context in which a person might live well and choose a flourishing life, then how can we assess if a country succeeded at giving people the necessary opportunities to function well except by looking at how people are functioning, for freedom cannot easily be observed unless it has been exercised? How can we observe whether the refusal to make use of given opportunities is the result of a free choice or the result of internalised beliefs or social norms. If women refuse to go to the literacy classes that are offered to them, how can we observe whether that refusal is the result of free choice or of internalised beliefs that being educated is unsuitable for women?

Sen himself confesses that, given data restrictions and the difficulties of evaluating the exercise of freedom, one will often have to focus on the observed functionings, on the observed exercise of freedoms. The aim of development policies seems thus not as much to provide the opportunities for each human being to exercise the capabilities she will choose to exercise, but to make people function in one way or another. If for example, in a country, the majority of people eat chips, pizzas, beer, popcorn, what would the capability approach say about such a situation? If policies in that country are undertaken on the basis of the capability approach, they would take as a starting point the observation that there is a lack of functionings in matters of health and nutrition (obesity, high rate of cardio-vascular diseases), and most probably policies would aim at promoting one type of alimentation-- restricting people’s freedom to be fed as they want. Sen would perhaps reply that putting functionings as the goal of public policies instead of capabilities is not a problem, insofar as the democratic principles in a society have decided that those functionings were to be promoted.⁹ So, if a campaign regarding bad eating habits is legitimate, it is because the underlying social concerns and values of that society (that have been reflected through public debate and democratic principles) regard health as too important as to be related to individual choices. Yet, analysing public policies goals *only* in terms of the outcomes of public debate also generates concerns. For example, if the democratic principles in a country decide that the government should not interfere in matters of television programmes, that it is up to the

⁸ Walsh (2000) qualifies this explicit re-acceptance of values within economics ‘the second phase of classical economics’, after the first-phase of classical economists (neo-classical economists, what he calls the ‘minimalists’) flushed out the hidden values behind their formalism. In the line of Adam Smith, Sen reconciled economic analysis with deep ethical judgements.

⁹ Also, Sen makes the argument that, with regard to some capabilities such as the capability to leave in a malaria-free environment, policies aiming at promoting the functioning rather than the capability are not a problem insofar as anyone would anyway choose to live in a malaria-free environment.

parents to prevent their children from watching violent movies and not the government's business, is that democratic decision legitimate, since it has been shown that there is a high correlation between watching violence on TV and violence in the real world? Is a decision legitimate because it is the result of democratic processes, or is it legitimate because that decision is *good* and contributes to a better human life for all?¹⁰

Another difficulty with the focus on capabilities is the problem of incentives. Take the example of environmental policies. If giving people the opportunity to live in a non-polluted environment is more important than actually living in a non-polluted environment, this focus is not enough to enhance people's capabilities to live in a clean environment. What is needed in addition to the opportunities is incentives. It is not sufficient that the government provides recycling areas, but also that it gives incentives for people to recycle. What matters is not only 'making choices available to people' but also 'changing the incentives offered to them' (Richardson, 2000, p. 317). And by giving incentives to act in a certain way, a policy restricts the freedom of adults to behave the way they choose to. For example if someone chooses to have a bad health by choosing to smoke and to drink alcohol, then his freedom to choose the way he wants to live is highly restricted given the high incentives that public policies generally put to enhance people to lead healthy lives. If he cannot smoke in public, if cigarettes and alcohol are highly expensive, if he is unable to go to a pub after 11 p.m., etc., then his freedom is restricted, and public policies act paternalistically by giving incentives to people to choose a lifestyle against their own choice. Though paternalism is a word we accept with great difficulty in theory, 'it is equally difficult to avoid in practice' (New, 1999, p. 63).

3. Perfectionism, paternalism and liberalism in Nussbaum

a) Aristotelian social democracy

Martha Nussbaum is more direct than Sen, in putting forward a perfectionist conception of the human good that development policies ought to be promoting. Nussbaum notes that, the capability approach will encounter the same deficiencies as the desire approach to quality of life if no effort is made at specifying further the functionings and capabilities that are valuable to be promoted, 'just as people can be taught not to want or miss the things their culture has taught them they should not or could not have, so too they can be taught not to value certain functionings as constituents of their good living' (Nussbaum, 1988, p. 175). As the choice of what is valuable and relevant can be the product of structures of inequalities and discrimination, Nussbaum goes beyond the deliberate incompleteness of Sen's approach, through elaborating an objective list of capabilities. On the basis of Aristotle's internalist essentialism, which is 'an historically grounded empirical essentialism taking its stand within human experience, it is an evaluative inquiry into what is the deepest and most indispensable in our lives' (Nussbaum, 1992, p. 208), she derives fundamental experiences that all humans share and that can be regarded as the characteristic activities common to every human being and that make human life human. Insofar as we recognise human beings as humans, there must be an essentialist basis as to what human life consists of, as to what deprives human life of its full human character.

By looking into our own human life and into other people's lives and asking ourselves what are the grounding experiences that all human beings share, Nussbaum builds a list of human experiences that we all agree to share and find worthwhile. In these spheres of human experiences, the human being will respond in some way rather another, namely, she will try to

¹⁰ For a discussion on the legitimacy of democratic decisions as outcome-oriented, see for example Bohman (1996), Cohen (1998), Estlund (1997), Richardson (2002).

respond the best possible way. To each sphere of human experience corresponds an appropriate functioning, or an appropriate way to behave with respect to that experience. Functionings will then be the appropriate responses, or the best way to function within the spheres of human experiences. For example, in the sphere of the human body, the best functionings will be to be healthy, to be adequately fed, and sheltered.

Since human beings are not passive but active in shaping their own life, if freedom is recognised as the most important characteristic of human beings, we do not want people to function in some way, but we want them *to be able* to function in some way, we want to give them the opportunities to function, and let them be free to use or not those opportunities. Therefore, Nussbaum puts the emphasis on capabilities, on the opportunities that people have to function in the best possible ways in those spheres of experiences. And on the basis of fundamental human experiences, she sets a list of ten central human capabilities, or abilities to satisfy central human functionings (for the elements of her list, see Nussbaum, 1988, 1990, 1992, 1993, 1995a, 1999, 2000b).

Each of the central human capabilities is conceived as fundamental to each human life; this implies that a life that lacking any one of those capabilities will fall short of being a good human life. The aim of a public policy is to ensure that all the citizens live a good human life, to give them opportunities to function in some way, and to leave each person free to make use or not of those capabilities.

Nussbaum (1990, p. 217, 1992, p. 214) qualifies her list of central human capabilities as ‘thick vague theory of the good’, which constitutes a perfectionist conception of the good that any society has the moral obligation to pursue. Nussbaum’s capability approach is perfectionist in the sense that the capability to be healthy, to have access to knowledge, and all the other capabilities of her list are to be promoted, independently of what people desire. Yet, Nussbaum’s perfectionism is liberal in the sense that the task of public policy is not to promote those ‘perfections’ of human life (functionings) but the opportunities to exercise those perfections, it is then up to each individual’s choice whether she shall make use or not of those opportunities. Because human life is what it is, constituted in a universal way of some fundamental characteristics, the list of central human capabilities is a normative political scheme, it is a guide for the evaluation of public policies in their pursuit of the good, in their ability to provide the conditions such that its citizens can live a full human life. Her theory is thick because it deals with human ends across all areas of life – ‘There is just one list of functionings that do in fact constitute human good living’ (Nussbaum, 1988, p. 152) – and vague because it allows for many concrete specifications and draws an outline sketch of the good life.

Nussbaum criticizes Rawls on the grounds that, by focusing on goods themselves as intrinsically good, we jump over the question of what these goods can really do for people. Her Aristotelianism argues that the worth of primary goods ‘cannot be properly assessed if we do not set it in the context of a thicker theory of good living. His [Rawls’s] list omits the really “primary” items; and it ascribes independent significance to items whose worth can only be seen in connection with the truly primary items’ (Nussbaum, 1988, p.152). For example, it is good possessing wealth only if it leads to better functionings. If someone’s greater wealth leads her to have a more stressful life and bad eating habits, then having more wealth is not to be considered as good since it is likely to lead to more health problems. Though she emphasises the centrality of choice, Nussbaum’s Aristotelianism rejects Rawls’s position that the constituents of a good human life have to be left to the choices of individuals and that public policy should focus on the distribution of primary goods and leave individuals pursue their own conception of the good as they see it (see note 6). Her Aristotelianism emphasises that there are constituents to a human life that all humans share as being worthwhile, whether one will choose those constituents as part of one’s life or not.

The common point, however, is that both Rawls and Nussbaum grant primary importance to the freedom to make choices regarding one's own life. The difference is that Nussbaum insists that primary goods are instrumental and have no intrinsic value. She insists that it is necessary to specify, vaguely at least, the functionings of a human life upon which one will be able to make choices. The objective of development policies is not only to distribute goods as if those goods had a value in themselves; it is also to give the opportunities to each human being to live in a certain way. Government policies should be directed at making sure that all human beings have the necessary resources and conditions for this, but the government should leave the choice of making use of those resources up to the individual.

The perfectionism developed here by Nussbaum seems consistent with a certain form of liberalism. The list is vague and leaves each government free to specify the elements that a development policy will have to promote. Like Sen, Nussbaum emphasises the capabilities for functionings rather than the functionings themselves. Capabilities, instead of functionings, should be made the political goal because practical reason (and the freedom to choose) is what makes life human. She often gives the example of a person who has the opportunities for play. Despite a person being given the opportunities for play and leisure, she can always choose a workaholic life and not take her holiday. But there is a great difference between such a workaholic chosen life and a life constrained by insufficient maximum-hour protection. What matters then, as far as public policy is concerned, is to give the necessary opportunities so that people can have the capability to play, whether they choose to play or not.

However, it is sometimes desirable that functionings and not capabilities constitute the goal of public policy. In some areas, it is sometimes more important to have people function in a certain way than it is to give them the opportunity to function in a certain way. It is sometimes more important to focus on the human good (functionings), rather than on the freedom and opportunities to realise that human good (capabilities). Freedom is not the only good to promote, but one good among others (see for example Arneson, 2000, pp. 59-63; Hurka, 1993, pp. 148-9; Finnis, 1980, p. 95; Kraut, 1999, p. 325; Raz, 1986). A focus on capabilities risks ignoring the full range of the components of the good life, among which freedom is one. Environmental problems are such an example. The aim of development policies is to ensure that people *do* live in a non-polluted environment, rather than being able to, should they choose or not. If an individual chooses not to live in a non-polluted environment, for example, by throwing her rubbish into the river instead of buying special recycling bags, letting that individual choose freely makes other individuals unable to live in a non-polluted environment. Even in the above example of the opportunities for play, many governments do design policies that prevent people from choosing workaholic lives by setting compulsory legal holiday. This might sound paternalistic and an intolerable intervention into an individual's life, but such policies regarding compulsory legal holiday are the mere reflection that individuals do not live alone, and that their choices may impede other people's ability to make choices. If public policies fail to consider play and leisure as a functioning, but regard it as a capability that people might choose to exercise or not, then I am afraid that some people will be less free to exercise it. For example, consider a company with the choice of hiring one of two workers, one who appreciates spending time with her family and taking full opportunities of her legal holidays, and the other who chooses not to have a family in order to dedicate herself entirely to work. Would such a context, in which the public policy leaves the choice up to its citizens regarding holiday, leave its citizens really free to choose their conception of the good? I fear that such policy would rule out, in the long run, the possibility to exercise the capability for play and leisure, and workers would be forced to choose between one conception of the good (the workaholic life) or being unemployed.

Given that individual choices have important consequences upon other people's lives, and given that an individual never lives alone and choices are deeply interconnected with other people's lives, the focus on capabilities rather than functionings as the political goal may lead to important losses in well-being. In economic analysis, public policy has been assigned the role of correcting externalities. If economic theorists who emphasise the crucial role of markets in bringing about human well-being recognise policy interventions that restrain *laissez-faire* to correct externalities, a capability theorist who emphasises the crucial role of freedom as component of human well-being should similarly recognise policy intervention to correct externalities and that restrain individual freedom for the greatest well-being of all.

b) Rawlsian political liberalism

In the late 1990s Nussbaum radically shifted the overall horizon of her capability approach (Nussbaum, 1997, 1998a,b, 1999, 2000a, b). She now takes back her Aristotelian list of central human capabilities, and places them in a totally different context. Capabilities no longer exist within the framework of an Aristotelian social democracy, but now appear within the framework of a Rawlsian political liberalism: 'I now understand the list of central human capabilities as the core of a *specifically political form* of liberalism, in the Rawlsian sense. I imagine that citizens of many different comprehensive conceptions can all endorse the items on this list, as things that are essential to a flourishing human life, whatever else that life also pursues and values. [...] The starting point involves the recognition of reasonable disagreement about the good, and things are designed in such a way that Muslims and Jews, Hindus and Christians and atheists, can all endorse the political scheme as one that maximally protects their own freedom to plan a life course that is distinctive and different from that of others' (Nussbaum, 1998b, pp. 284-285). The list is simply more comprehensive and defined than Rawls's original list of primary goods, but the idea is the same: to propose goods that it is necessary for people to dispose of, whatever their tradition and conception of the good life, 'to put forward something that people from many different traditions, with many different fuller conceptions of the good, can agree on, as the necessary basis for pursuing their good life. The list of functionings is proposed as the object of a *specifically political consensus*' (Nussbaum, 1999, p. 40).

Nussbaum proposes a more comprehensive list than Rawls for three reasons (see Nussbaum, 1998a, pp. 314-6). First, individuals vary in their ability to transform primary goods into functionings. Second, even though resources are equally spread, hierarchical structures often prevent individuals from making use of those resources (in those circumstances, it is more adequate to ask ourselves what individuals are able to do rather than looking at the available resources). Third, the choice of a conception of the good is not always free-- remaining neutral and not interfering sometimes validates structures of oppression. Therefore, Nussbaum puts forward a more comprehensive list of what people are able to be or do rather than a list of resources, a list that 'can be endorsed *for political purposes*, as the *moral basis of central constitutional guarantees*, by people who otherwise have very different views of what a complete good life for a human being would be' (Nussbaum, 2000b, p. 74; 2000a, p.124).¹¹

¹¹ In Rawls's political liberalism, the role of the state should not be to provide the opportunities for people to pursue a certain type of life, a type that is judged more valuable than others, but the state should 'seek only to provide a neutral framework within which people can make their own individual choices. The state must act to protect the rights that people have to revise and pursue their conceptions of the good, and so must rule out any conceptions of the good whose pursuit would violate those rights' (Mulhall & Swift, 1996, p. 218).

Instead of presenting her list as a thick vague theory that constitutes a perfectionist conception of the good that the government (and other institutions, or individuals between themselves) has the moral obligation to provide, those central human capabilities are now assimilated to constitutional guarantees that the legislator has to provide, whatever the conception of the good that individuals pursue. The list of human capabilities is not grounded anymore on a ‘theory of human being that goes beneath politics’ (Nussbaum, 1998b, p. 285),¹² but is the result of a general consensus among different people having different conceptions of the good: ‘We can see the list of capabilities as like a long list of opportunities for life functionings, such that it is always rational to want them whatever else one wants. If one ends up having a plan of life that does not make use of all of them, one has hardly been harmed by having the chance to choose a life that does’ (Nussbaum, 1999, p. 45). Her capability approach so modified is argued to give more space for historical and cultural differences, so that people who have different conceptions of the good are respected.

The table below summarises the main differences between Nussbaum’s ‘new’ and ‘old’ capability approach:

The capability approach within the context of an Aristotelian Social Democracy	The capability approach within the context of a Rawlsian political liberalism
Objective (and comprehensive) conception of the human good: capabilities are to be promoted independently of people’s desires (because structures of inequalities and discrimination might distort what people have reason to choose and value).	No conception of the human good: capabilities are to be promoted because they are the means through which each human being will choose her own conception of the good.
Perfectionism: one list of functionings that constitutes a good human living, and the object upon which human freedom will be exercised (but room for plural and local specification). There are constituents that all humans are sharing and find worthwhile whether one will choose those constituents as part of one’s life or not.	Non-perfectionism: the list does not constitute a ‘thick vague theory of the human good’ but presents elements that people, with different views of the good, can endorse as elements that will the most protect their liberty.
Internalist essentialism: the constituents of a good human life are derived from an evaluative inquiry into what is the most worthwhile in a human life.	Overlapping consensus: the list is the outcome of an overlapping consensus, it does not rest on a particular comprehensive theory of the good (it has to be noted that the list contains the same constituents as those generated by internalist essentialism).
Liberalism: capabilities are the goal, people should be free to make use of the opportunities for functionings.	Liberalism: capabilities are the goal, people should be free to make use of the opportunities for functionings.
Capabilities as obligations: the government (and the citizens between them) has the moral obligations to promote central human capabilities. Each human being should have the opportunities to exercise the capabilities that constitute the objective theory of the good.	Capabilities as rights: capabilities are the moral basis of central constitutional guarantees (whatever people’s conceptions of the good). The role of the state is to secure those rights, and by securing them, people would be free to pursue whatever life they want to lead.

Can we think the capability approach within the context of a Rawlsian political liberalism rather than within the context of an Aristotelian social democracy? Is it sustainable to conceive development policies based on the capability approach developed in the context of a Rawlsian political liberalism? I will try to answer those questions on the basis of three main elements that characterise the change of context. A first main change with respect to her former Aristotelian social democracy perfectionism is that the list of basic capabilities does

¹² This means that the theory of the good does not presuppose any particular comprehensive (religious, philosophical or moral) doctrine. It means that ‘it is elaborated from ideas implicit in the shared public political culture, and so does not depend upon the truth of any particular conception of what human life as a whole ought to be’ (Mulhall & Swift, 1996, p. 219).

not constitute anymore a single (though vague) conception of the good human life, but is a list upon which people who have different conceptions of the good life could agree upon in order to pursue their own conceptions of the good. Let us call that first change, the fear of being dictatorial about the good. A second main change of her approach is that her approach is framed for 'political purposes only'. And finally, a third main change of her approach is that the central human capabilities constitute constitutional guarantees, or rights, that the government should promote instead of obligations that the government should meet. I will examine the relevance of each of those changes, and examine whether those changes better fulfil the aim of the capability approach-- to provide a sound normative basis for framing development policies, and for securing better human lives for all.

c) The fears of paternalism

Nussbaum's approach claims to be liberal and to hold the fundamental view that 'there is a distinctive human good expressed in the freedom we give our fellow citizens to make choices that we ourselves may hold to be profoundly wrong, unless it inflicts manifest harms on others' (Nussbaum, 1998a, p. 336). Someone cannot be prevented from choosing against her own flourishing. If a person fails to choose to function in a certain way, then nobody can give incentives to change that person's behaviour so that she chooses to function in the adequate way (as conceived by the paternalist public leader). Hence, interfering with someone's freedom is only justified if the exercise of someone's freedom impedes on someone else's freedom or harms someone else (to respect Mill's non-harm principle). The liberal sees it as perfectly legitimate to change people's choices if the choice of a few prevents the choices of many. If for example, the choice of some to cultivate land, and to exercise the functionings of creating value, entails that others are unable to exercise that functioning, a liberal (such as Nussbaum) would advocate a land redistribution so that each human being could have the opportunity to create value. Hence, interfering in the choices of some, in this case an intervention that limits the production and acquisition of land by some landowners, would be justified.

Though the liberal admits that the freedom of someone has to be restricted if it harms other people, the liberal recognises the right to do wrong to oneself. Yet, at a closer glance, it seems that Nussbaum's liberalism admits a stronger form paternalism: interfering with someone's choice is not only legitimate if that choice harms others, but interfering is justified when the choice harms the chooser herself. Nussbaum admits restricting people's freedom to function the way they choose, going beyond the respect of Mill's non-harm principle. There are some choices that she considers as wrong, setting the value of choice not so much in the choice itself but on the goodness of the object of choice. Nussbaum (2000b, p.53) writes: 'Any bill of rights is paternalistic [...], if paternalism means simply telling people that they cannot behave in some way that they have traditionally behaved and want to behave. The Indian Constitution is in that sense 'paternalistic', when it tells people that it is from now on illegal to treat women as unequal in matters of property, or to discriminate against people on grounds of cast or sex. More generally, any system of law is 'paternalistic', keeping some people from doing some things that they want to do. It is fully consistent to reject some forms of paternalism while supporting those that underwrite these central values'. Paternalism thus seems justified as the imposition of certain universal norms that every human being has to respect, whether she chooses those norms or not. And Nussbaum (2000b, p. 95) adds: 'My own view is that health and bodily integrity are so important in relation to all the other capabilities that they are legitimate areas of interference with choice up to a point.'¹³

¹³ It is to be noted that, in her latest book summarising her capability approach, Nussbaum (2000b, Chapter Two) tries to reconcile her paternalistic, substantive account of the good with a desire approach to the human good.

Are there thus elements that are so important that interference is justified? If health and bodily integrity justify paternalist interventions because they are judged as too important as to be left to people's choices, one could extend her argument to the other central human capabilities. If those are to be considered as what is most important in a human life, there is then no reason why knowledge and mental health for example, as being central to a human life, do not justify paternalistic intervention 'with choice up to a point'. This takes us back to the argument of freedom as one component, among others, of the human good. Paternalistic interventions are justified because health and knowledge are regarded as important as freedom. As Hurka (1993, p. 148) puts it: 'No plausible value theory can treat free choice as the only intrinsic good. It must acknowledge some other goods, so that, for example, freely chosen creativity is better than freely chosen idleness, and autonomous knowledge is better than autonomous ignorance.' And if all the central human functionings that appear on her list are domains where interference is legitimate 'with choice up to a point' because those are too central of a human life as to be left entirely to individual choices, then Nussbaum's approach, as liberal as it claims to be, appears rather paternalistic and dictatorial about the good. Like Sen, Nussbaum argues that it is up to the democratic principles in each country to define the domain of interference (Nussbaum, 2000b, p. 95), but like Sen, she runs into the same problems by giving democratic principles the ultimate source of moral authority.

There is another point where the switch to political liberalism shows similarities with her previous Aristotelian perfectionist position. If each human being, whatever her conception of the good life, can endorse those central human capabilities as essential to her life, whatever her life is, would it not mean that those capabilities are essential to any (good) human life, and thus constitute the fundamental basis of any human life? Is there not a fundamental set of capabilities inherent to any human life rather than instrumental capabilities to any conception of the good? Taking the case of bodily integrity, could it be viewed as instrumental to the pursuit of whatever conception of the good that the person might have? If a person has suffered a deep humiliation, both in her body and psyche (as in the case of rape), it seems inadequate to say that the injustice is a matter of that person being deprived of a means that has stripped her from pursuing her conception of the good. Rather, the injustice 'consists in the very fact that her dignity as human being is being denied. She has been deprived of something good that is her due' (Kraut, 1999, p. 328). To pursue justice is not 'a matter of setting limits on how we treat each other and distributing all-purpose instruments', like central human capabilities within political liberalism, but it 'presupposes having a view about what is intrinsically good or bad' (Kraut, 1999, p. 328).

Withstanding from taking a position about what the good life is, and situating distributive justice at the level of a distribution of all purpose-means, does not seem to do much justice to those who have been denied central human capabilities. Whether one likes it or not, central human capabilities constitute a full-blooded ('thick vague') conception of the good (as has been argued earlier, though one would like in theory to avoid advancing a particular conception of the good, it is unavoidable in practice). And an account of the varieties of human lives is best done by recognising that single 'thick vague' conception of the good, whose elements one will prioritise and actualise differently according to the context in which one lives. In other words, the variety of lifestyles, rather than reflecting a variety in the conceptions of the good life, reflect a prioritisation of some elements and some actualisation of those elements of a single and same human life. Let us consider the following

She argues that an *informed* desire approach is necessary to ensure the stability of her substantive list (p. 152). The substantive list of central human capabilities could never be justified if human beings do not desire to endorse those capabilities, given the necessary *information*. Nussbaum tries to answer the charges of paternalism involved with an informed desire-supported substantive account of the good by stressing that capabilities are what matters, and so leaving the space for people to make choices that harm them (p. 161).

example. If a scholar, after spending more than ten years doing research, writing papers, going from conferences to conferences, decides to abandon his scholar life and nurse his sick wife suffering from cancer, and that after the death of his spouse, he settles himself down in a little village and begin to make furniture, to grow vegetables and to open a rehabilitation centre for drug-addicts.¹⁴ Can we say that, our former scholar has radically changed his conception of the good life twice? Can we say that he does not consider his life anymore as the actualisation of the capability to pursue knowledge, to create value in writing, that he does not consider anymore his life as the actualisation of the capability to pursue relationships of friendship by dedicating his time to his wife, but that he now considers his life as the actualisation of the capability to create value by making furniture and the actualisation of the capability to pursue relationships of friendship by dedicating his time to former drug-addicted? Or can we say that he has simply kept the same conception of a (good) human life, and that he has given more importance to some elements rather than others during his lifetime (for example, a greater importance to the pursuit of knowledge than dedicating himself to his spouse), and that he has merely actualised differently the same elements during his lifetime (for example, creating value in making furniture and growing vegetables instead of creating value through academic writing). I rather believe that the variety of ways of life is not due to a variety in the conceptions of the good life than due to a different actualisation and prioritisation of different elements of a human life.¹⁵ And rather than affirming that the list of central human capabilities can be endorsed by people with different conceptions of the good, Nussbaum should rather affirm that the list of central human capabilities constitute a certain conception of the good human life (or rather a vague sketch of a good human life, or a ‘thick vague theory of the good’ as she once called it), and what will vary is only the prioritisation and ways of actualising the elements of that vague sketch.

d) For political purposes only?

Let us come to the second change that characterises the new context in which Nussbaum sets her capability approach, the emphasis put on the political purposes of the capability approach. She writes: ‘It is perfectly true that functionings, not simply capabilities, are what render a life fully human, in the sense that if there were no functioning of any kind in a life, we could hardly applaud it, no matter what opportunities it contained. Nonetheless, *for political purposes* it is appropriate that we shoot for capabilities, and those alone’ (Nussbaum, 2000b, p. 87). The capability approach is thus framed, according to Rawls’s definition of ‘political purposes’, ‘to apply solely to the basic structure of society, its main political, social and economic institutions as a unified scheme of social co-operation; that it is presented independently of any wider comprehensive religious or philosophical doctrine; and that it is elaborated in terms of fundamental ideas viewed as implicit in the public political culture of a democratic society’ (Rawls, 1993, p. 223). A capability approach for ‘political purposes only’ implies, according to Rawls’s definition, the following. First, it is intended to apply to the basic structure of society, which ‘comprises the main social institutions – the constitution, the

¹⁴ This example is a variation of the one in Finnis (1980, p. 93).

¹⁵ One could object that the lives of for example Francis of Assisi and Marquis de Sade reflect two thoroughly distinct conceptions of the good, the former seeking intimacy with God by loving the poor and rejected of his society, the latter seeking intimacy with other human beings by psychically distorted forms of relationships. Yet, despite those thoroughly different lives, it is the same central human functioning that is being sought, the functioning of affiliation. Their respective lives do not reflect different conceptions of the good, but rather reflect the same fundamental human drive, the search for being loved, the search for intimacy with other beings, though actualised in different ways. There will obviously be *better* ways of actualising that same fundamental functioning of affiliation, of searching intimacy with other beings. And the capability approach cannot avoid in practice taking a stand on what are those *better* ways.

economic regime, the legal order and its specification of property and the like, and how these institutions cohere into one system' (Rawls, 1993, p.301). So, churches, families, universities etc. are out of the basic structure of society and the capability approach does not apply to them. Second, the capability approach is 'presented independently of any comprehensive doctrine', that is, it is independent of any conception of the good and is silent about how people should lead their lives (so that each individual can be left free to live the life she chooses to). Finally, the capability approach is elaborated in terms of fundamental ideas viewed as implicit in the public political culture of a democratic society. It is elaborated 'as the systematic articulation of intuitive ideas that, because they are embedded in our society's main institutions and the public traditions of their interpretation, can be regarded as implicitly shared' (Mulhall & Swift, 1996, p. 172). It should by no means be seen as the elaboration of a particular comprehensive ideal.

Is it sustainable to put forward the capability approach for 'political purposes only'? First, if the capability approach only applies for political purposes and only applies to basic structures of society, then universities are domains where the capability approach does not apply. In other words, the capability approach would tolerate that a woman cannot access to the post of rector at a university, since the university lies outside the domain where the capability approach can apply. Yet, Nussbaum argues that it should not be accepted that the rector of Notre Dame University can be a single man only, namely a priest, discriminating women and married men, and preventing them from accessing to a dignified job. Such discrimination should lead to the withdrawal of the university's tax exemption (Nussbaum, 2000a, pp. 228-9). As universities practising racial discrimination no longer enjoy tax-exemption, so should universities practising gender discrimination: 'with regard to a function that is administrative and educational, rather than at the core of worship, we should judge that granting a tax exemption involves the federal government in an unacceptable endorsement of sex inequality' (Nussbaum, 2000b, p. 229). If universities lie outside the basic structure of society, gender discrimination should not be a problem.¹⁶ Second, a theory of justice 'for political purposes only' is silent about how people should live. However, we have seen that the capability approach is not neutral about how people should live, and can even be paternalist and impose a certain conception of the good life.¹⁷ Third, a theory of justice for 'political purposes only' is not elaborated as a particular comprehensive ideal. And I come back here to the former point, the capability approach does offer a comprehensive vision of a good human life. And that vision rests on a particular philosophical doctrine, that goes beyond the different cultures and ways of life, there are elements that all human beings are sharing, and that they consider as good. What changes according to the context is not so much the conception of the good as the prioritisation and actualisation of the elements of that good.

¹⁶ Speaking of the family, Nussbaum (2000b, p. 270) acknowledges that it is a too important structure of society as to be left out from Rawls's basic structure: 'It [the family] has a very strong claim to be regarded as part of the basic structure of society, and among those institutions that basic principles of justice are designed to regulate most directly.' But there is no reason why the other voluntary associations that Nussbaum mentions (2000b, p. 271) and that are not part of Rawls's basic structure, such as 'churches and universities, professional or scientific associations, business firms or labour unions', should not be institutions to which the capability approach 'for political purposes only' applies.

¹⁷ For example, though she considers that it is the actual *functions* of sociability and of practical reason that make a life fully human, she stresses that, *for political purposes*, we should shoot for capabilities (Nussbaum, 2000a, p. 131). She argues that a public policy cannot prohibit someone to submit her life to a sect guru, and should not make sects illegal. If people 'freely' accept not to exercise their ability for practical reason, and let their lives be guided by a sect guru, this is fine, as far as the capability approach for 'political purposes only' is concerned, no matter the alienating consequences that the sect might have upon that person. I fear that such a capability approach risks being sued for non-assistance to an endangered person. This is probably why she 'understands well why a comprehensive perfectionist doctrine, such as that of the young Marx, might say this [that it is the function of practical reason, not simply the capability, that makes a life fully human]' (Nussbaum, 2000a, p. 131).

I would say that, yes, the capability approach only applies for political purposes, but for political purposes in its original meaning. The political, in its original definition of the domain of affairs of the *polis*, is the domain of the good living together. The *polis*, in its original Greek meaning, is a community of people deliberating together for the sake of the good and taking actions towards that good (*Politics* 1252^a1-6, 1280^b30-40; *Nicomachean Ethics* 1103^b2-6). Therefore, being ‘political’ means having the capability to communicate and deliberate about what is good and about the actions to be done towards that good (Miller, 1995; Yack, 1993). In that context, justice for ‘political purposes only’ would mean that, by living together in a *polis*, people have a common responsibility, have mutual obligations towards one another, of securing the conditions for ‘living well together’, of ensuring that each citizen within the *polis* has the opportunity to live a good human life. And this leads me to the third characteristic of Nussbaum’s Rawlsian turn, the emphasis put on capabilities as rights instead of mutual obligations that people have towards one another.

e) Capabilities as constitutional guarantees?

Framed within the context of a Rawlsian political liberalism, the capability approach provides the basis for constitutional principles that citizens can request from their government, whereas framed within the context of an Aristotelian social democracy, the capability approach provided the basis for mutual obligations that people had towards one another. It might seem irrelevant to discuss the legitimacy of giving priority to constitutional guarantees rather than political obligations, since there is no right without corresponding obligation, and no obligation without corresponding right. Yet, considering capabilities in terms of constitutional guarantees that humans can claim rather than in terms of mutual obligations that humans owe to one another, is not as innocent as it might first appear. In her ‘Prelude Towards a Declaration of Duties Towards Mankind’, Simone Weil (1952, p. 3) writes: ‘The notion of obligations comes before that of rights, which is subordinate and relative to the former. A right is not effectual by itself, but only in relation to the obligation to which it corresponds, the effective exercise of a right springing not from the individual who possesses it, but from other men who consider themselves as being under certain obligations towards him. Recognition of an obligation makes it effectual. An obligation which goes unrecognised by anybody loses none of the full force of its existence. A right which goes unrecognised by anybody is not worth very much’. And it is therefore that the central human capabilities should be seen not as rights, but as mutual obligations to satisfy. In considering human capabilities as obligations, one puts the emphasis on the actions required to fulfil those obligations, whereas considering human capabilities as rights puts the emphasis on a claim that nobody is specified to respond to. Justice, in order to be fully realized, starts from the question ‘What ought I (or we) do?’, it starts from the perspective of obligations, rather than starting from the question ‘What ought I (or we) get?’, rather than starting from the perspective of rights (O’Neill, 2000, p. 199).¹⁸

Therefore, it is important whether capabilities exist within the context of a Rawlsian political liberalism or within the context of an Aristotelian social democracy:

‘In the first perspective [that of the individuals bearer of rights], all the obligations with respect to the community are conditional, i.e., relative to a revocable consent of the individual. In the second perspective [that of the individuals bearer of obligations], those obligations are irrevocable, for the sole reason that only the mediation of the community of belonging allows the human potentialities to flourish. If the individual only considers herself originally as bearer of rights, she will hold the association and all the ensuing duties as a mere

¹⁸ O’Neill (2000, p.125) also emphasises that while ‘rights specify what is to be received; obligations also specify who is to provide it.’

instrument of security under which she will be able to pursue her selfish aims, and she will consider her participation as conditional and revocable. If, in the contrary, she holds herself as indebted from her birth to institutions that alone will allow her to become a free agent, then she will consider herself as obliged with respect to those institutions, and particularly obliged to render those institutions accessible to others.' Ricoeur (1991, p. 163)

Capabilities are not only positive freedoms that each human being exercises towards herself, but are also positive freedoms that each human being exercises towards fellow-human beings. Each individual is not so much born as bearer of rights to live a dignified human life as bearer of obligations towards others to allow them to live a human life, obligations to provide what is lacking in the lives of others.

And it is precisely from a lack of central human capabilities that a policy is implemented – a lack of having access to knowledge, a lack of having access to adequate health services, etc. It is only from the awareness of a lack in a dignified human life that a policy can be implemented in order to suppress that lack. Since, 'it is from a complain that we penetrate the domain of the just and unjust. The sense of injustice is not only more striking, but also more adequate than a sense of justice; because justice is often what is lacking and injustice what is reigning, and humans have a clearer vision of what is lacking to human relationships than the right way of organizing them. It is the injustice that sets thought in motion' (Ricoeur, 1991, p. 177). Only in shifting from a conception of the just in terms of rights towards a conception of the unjust in terms of obligations to put an end to injustice, could the freedom for all to live as human beings be fully ensured. If the capability approach really wants to provide a normative framework so that policies can be taken that allow each human being live a dignified human life, it will have to think the capabilities not as philosophical basis for constitutional guarantees, but as philosophical basis of obligations that all humans have towards one another through the mediation of institutions.

4. Conclusion

We have to acknowledge that, at the hour of undertaking policies, it is only by recognising what makes human life a good human life, or rather only by recognising what is lacking to a full human life, that actions are undertaken. No development policy can be neutral with respect to a conception of the good. It is because it is recognised that malnutrition is a deep offence to a dignified human life that actions can be undertaken to put an end to it. It is because it has been recognised that domination and humiliation are a deep offence to a life worthy of being human that actions can be undertaken to put an end to structures of domination and humiliation. Policies that aim at letting people function in a full human way can only be undertaken on the basis of a perfectionist conception of the good, on the basis of the characteristics or excellences of a human life that is worth living, or rather on the basis of what is lacking of such a life. And it is only in recognising fully those excellences that human beings will be able to be free, free to live a dignified human life.

If development policies based on a perfectionist theory of the good seem paternalist, seem to restrict people's freedom to live the way they choose, so much the better, since that type of paternalism is nothing more than the refusal to see another person suffering from not being able to live a human life. And that paternalism as non-indifference to the suffering of people lacking the conditions for living dignified human lives is nothing more than respect for people in their choices of living a worthy human life. Far from being a restriction on people's freedom, adopting policies guided by a perfectionist conception of the human good is the very condition for people to be free to live as dignified human beings.

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